



STATE OF DELAWARE

PUBLIC SERVICE COMMISSION

861 SILVER LAKE BLVD.
CANNON BUILDING, SUITE 100
DOVER, DELAWARE 19904

TELEPHONE:

(302) 736-7500

FAX:

(302) 739-4849

September 20, 2019

Xiomara Mendoza
Tomorrow Energy Corp
221 West Sixth Street
Suite 1030
Austin, TX 78701

Re: In The Matter of the Tomorrow Energy Corp For A Certificate to Provide Electric Supply Services within the State Of Delaware (Submitted August 9, 2019) - PSC Docket No. 19-0510

Dear Ms. Mendoza,

The Delaware Public Service Commission ("Commission") is in receipt of the application (the "Application") submitted by Tomorrow Energy Corp ("Company") for certification to provide electric supply services in Delaware. The Application is incomplete as filed and additional information is necessary to complete the minimum filing requirements ("MFRs"), as indicated below:

Section 2.2.2 State of Formation Certificates

- Please provide a certificate of good standing for the state of formation issued by the Office of the Secretary of State that is dated within 12 months of the filing.

Section 2.2.3 Authorization to do Business in Delaware

- Please provide a Delaware business license
 - Please provide the permanent copy and not the temporary copy.

Section 2.2.13 Marketing

- Please describe the compliance program and sales review process.
- Please provide a copy of a weekly compliance data report and describe how the information is used by the Company.
- Please provide copies of the marketing materials that will be distributed to customers in Delaware.

Section 2.2.19 Retail Experience

- Please provide Commission Orders for states that the Company is currently licensed.
- Exhibit Q and Exhibit R were not included in the Company's response.
 - Commission Staff has identified allegations of deceptive business practices for both Sperian Energy and Tomorrow Energy Corp.
 - Please provide an accounting for both formal and informal complaints lodged against both companies in its other jurisdictions and filter them by issue for the last three years.
 - Please provide steps taken to address and rectify the issues posed in the complaints.
 - Please provide policies and procedures put in place to prevent these issues from occurring in the state of Delaware.

Section 2.6 Public Notice

- Please publish the attached public notice in two newspapers having general circulation throughout the state of Delaware. Submit the affidavits of publication to the Commission.

Section 6.0, 7.0, 8.0 Contract and Contract Summaries

- Will the Company be offering only fixed rate contracts?
 - If not, please provide a copy of the other product offerings.
- In the terms and conditions, under the Price section, the sentence that starts please adhere to the variable rates section of the Supplier Rules to bring this section into compliance.

Section 2.1.6 Verification of Application

- Please provide a signed, sworn statement of verification for each subsequent filing in this docket.

The Company may request that the Commission provide confidential treatment to some or all of the information contained in a document. When requesting confidential treatment for documents filed with the Commission, please simultaneously file a redacted, public version of the same document and an attestation that the information is not subject to inspection or disclosure to the public.

Staff respectfully requests a response to this notice of deficiency on or before October 18, 2019. Please note that 26 *Del. Admin. C.* § 3001 (the "Supplier Rules") section 2.4 provides that incomplete applications will be closed four (4) months after the filing date. If the application is not completed within the four (4) month time frame the applicant forfeits their application filing fee and must resubmit the application with an additional filing fee. The responses and verifications can be uploaded as a subsequent filing in DelaFile under Docket No 19-0510.

Should you have any questions or if I can be of any assistance you may contact me at (302) 736-7539 or send questions by email to Clishona.Marshall@delaware.gov.

Sincerely,

Shona Marshall
Shona Marshall
Public Utility Analyst

CC: Ms. Donna Nickerson, Commission Secretary
Ms. Malika Davis, Regulatory Policy Administrator

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF)
TOMORROW ENERGY CORP FOR A)
CERTIFICATE TO PROVIDE ELECTRIC) PSC DOCKET No. 19-0510
SUPPLY SERVICES WITHIN THE STATE OF)
DELAWARE (SUBMITTED AUGUST 9, 2019))

PUBLIC NOTICE

**TO: ALL PERSONS PURCHASING ELECTRICITY SUPPLY WITHIN THE STATE OF
DELAWARE AND OTHER INTERESTED PARTIES**

Pursuant to 26 *Del. C.* §1012, Tomorrow Energy Corp (the “Company”) has applied to the Delaware Public Service Commission (the “Commission”) for an Electric Supplier Certificate (“Certificate”) to provide electric supply service within the State of Delaware under certain terms and conditions that the Company has filed with the Commission.

The Electric Utility Restructuring Act of 1999 (26 *Del. C.* Ch.10) requires that every electric supplier seeking to provide electric supply service to Delaware retail customers shall obtain a Certificate from the Commission.

Any person wishing to protest or to comment upon this application must do so in writing by filing such protest or comment with the Commission within twenty (20) days from the date of this publication. In the absence of any comments or protests, the Commission may grant the Certificate without any further action.

The Commission’s mailing address is:

Delaware Public Service Commission

861 Silver Lake Boulevard
Suite 100, Cannon Building
Dover, Delaware 19904

Copies of the application may be inspected at the Commission, at the above address, during normal business hours, or you may review documents by going to DelaFile (<http://depsec.delaware.gov/>), the Commission's file management system, and by searching for Docket No. 19-0510.

The Company has filed the terms and conditions under which it will offer service in Delaware. Because this is a competitive provision of such services, the Commission will not make a determination that the Company's proposed rates are reasonable.

The Company will **not** be regulated by the Commission as an electric supplier. THEREFORE, **ALL PROSPECTIVE CUSTOMERS ARE ADVISED TO CAREFULLY REVIEW THE RATES, TERMS, AND CONDITIONS OF THE COMPANY'S SERVICE BEFORE EXECUTING ANY CONTRACT WITH THE COMPANY.**

The Commission's toll-free telephone number is (800) 282-8574. Persons with questions concerning this application may contact the Commission by either Text Telephone ("TT") or by regular telephone at (302) 736-7500. If you are disabled and need assistance to be able to participate, please contact the Commission to make arrangements for such assistance.